

THE ODISHA ANATOMY (AMENDMENT) ACT, 2012

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EXTRAORDINARY

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LAW DEPARTMENT

NOTIFICATION

The 3rd June, 2013

No.5728-Legis-28/2012/L.—The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 18th May, 2013 is hereby published for general information.

ODISHA ACT 20 OF 2013

THE ODISHA ANATOMY (AMENDMENT) ACT, 2012

TO AMEND THE ODISHA ANATOMY ACT, 1975.

BE it enacted by the Legislature of the State of Odisha in the Sixty-fourth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Odisha Anatomy (Amendment) Act, 2013.

Amendment of long title. 2. In the Odisha Anatomy Act, 1975 (hereinafter referred to as the principal Act), in the long title after the words "deceased persons", the comma and words "donated bodies of deceased persons or any part thereof" shall be inserted and the words "for therapeutic purposes or" shall be omitted.

Odisha Act 46 of 1975.

Amendment of section 5. 3. In sub-section (1) of section 5 of the principal Act, the words and commas "or for any therapeutic purpose," shall be omitted.

Insertion of new section. 4. After section 5 of the principal Act, the following section shall be inserted, namely:—

"Donation of bodies of deceased persons for anatomical examination. 5-A. (1) If any person, at any time before his death, had expressed an intention in writing in the presence of two or more witnesses, that his body or any part of his body be given to an approved institution for being used after his death for the purpose of conducting anatomical examination or for dissection or research work, the person lawfully in possession of the dead body of the donor may, unless he has reason to believe that the said intention was subsequently revoked, authorise the removal of the dead body or such part thereof to any approved institution for use in accordance with the intention.

(2) Without prejudice to the provisions of sub-section (1), the person lawfully in possession of the body of deceased person may authorise the removal of the whole or any part from the body for use for the purposes specified in sub-section (1), unless he has reason to believe—

- (a) that the deceased had expressed an objection to his body or any part thereof being so dealt with after his death, and had not withdrawn such objection; or
- (b) that any near relative of the deceased objects to the body being so dealt with.

(3) Subject to the provisions of sub-sections (4) and (5), the removal and use of the whole or any part of a body in accordance with an authority given in pursuance of this section shall be lawful and shall be sufficient warrant for the removal of the body or any part thereof and its use for the purpose of this Act.

(4) The body or any part of the body of a deceased person shall not be removed for any of the purposes specified in sub-section (1) from any place where such person may have died,—

- (a) within forty-eight hours from the time of such person's death; or
- (b) until after twenty-four hours notice, (to be reckoned from the time of such death) to the Executive Magistrate of the intended removal of the body; or
- (c) unless a certificate, stating in what manner such person died, has been signed by the registered medical practitioner who attended such person during the illness whereof he died or, if no such practitioner attended such person during such illness, then by a registered medical practitioner who shall be called in after the death of such person to view his body, and to state the manner and cause of death according to the best of his knowledge and belief, but who shall not be concerned in dealing with the body for any of the purposes aforesaid after removal and in case of such removal, such certificate, shall be delivered together with the body to the authority-in-charge of an approved institution receiving the same for any of the purposes aforesaid.

(5) If the person lawfully in possession of the body has reason to believe that an inquest or a post-mortem examination of such body may be required to be held, in accordance with the provisions of any law for the time being in force, the authority for the removal of the body or any part thereof shall not be given under this section except with the consent of the authority empowered to hold an inquest or order post-mortem under such law.”.

By Order of the Governor

S. K. MOHANTY

Principal Secretary to Government, I/c.